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OFFICE OF PETITIONS

In re Application of :
Jong-Hoon Oh : DECISION DISMISSING PETITION
Application No. 10/672,118 : UNDER 37 CFR 3.81(b)
Filed: 26 September, 2003 :
Attorney Docket No. :
2003P52610US/I331.111.101 :
:

This is a decision on the petition, filed on 12 May, 2005, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

Petitioner states that the correct assignee's name is INFINEON TECHNOLOGIES AG. and that an incorrect assignee's name was unintentionally included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that the patent issue to INFINEON TECHNOLOGIES AG.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for

¹ See Official Gazette of June 22, 2004

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recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

It is noted that Application No. 10/672,118 issued as U.S. Patent No. 6,909,660 on 21 June, 2005.

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction (and fee) as required by 3.81(b). As petitioner has failed to comply with the provisions of 37 CFR 3.81(a), the request cannot be granted.

A review of Office database assignment records reflects that an assignment to INFINEON TECHNOLOGIES AG has been recorded. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that INFINEON TECHNOLOGIES AG was the assignee of record at the time of issuance of the instant application into a patent. Note also 35 U.S.C. § 152.

In view of the above **the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction (and fee) which sets forth INFINEON TECHNOLOGIES AG, as the assignee.**

No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision **must** accompany the request for a Certificate of Correction.

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, as this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Counsel's deposit account will be charged the request fee of \$130.00 required by 37 CFR 1.17(f). The balance of the \$400.00 fee paid will be credited to counsel's deposit account, No. 50-0471.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3231.

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After the submission by petitioner of the request for a certificate of correction to correct the assignee data on the front page of the Letters Patent, any questions pertinent thereto should be directed to the Certificates of Correction Branch at (703) 305-8309.

D. Wood

Douglas I. Wood
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